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STATE BOARD OF POLYSOMNOGRAPHY HUDSON CONFERENCE ROOM, 6TH FLOOR

PUBLIC SESSION MINUTES

DECEMBER 8, 2015

FINAL

The December meeting of the State Board of Polysomnography was convened in accordance with its notice to the Secretary of State, the Bergen Record, the Trenton Times, the Star Ledger and the Courier Post and was posted at the Divisions website. The meeting was conducted in accordance with the provisions of the Open Public Meeting Act.

Chair, Sara Gallagher called the meeting to order at 10:00 A.M. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT: Sara Gallagher, RPSGT, RST
Mitchell Rubinstein, RPSGT, RST
Kathleen Feeney, RPSGT, RST
Dr. Gerald Ferencz

Also in attendance: Dorcas K. O'Neal Executive Director, Virginia Class-Matthews, Deputy Attorney General, Elizabeth Greenblatt, Regulatory Analyst, Maryann Sheehan, Director of Legislative and Regulatory Affairs and Kathleen Griffith, Staff.

I. APPROVAL OF MINUTES

a. The Board reviewed the October 13, 2015 Public Session Minutes. **On a motion by Mitchell Rubinstein, seconded by Kathleen Feeney, the minutes were approved as submitted.**

II. OLD BUSINESS/REAGENDIZED

a. Letter, **Policies, procedures and Accreditation Commission for Health Care (ACHC), Standards** from Suzie Steger, **Regulatory Coordinator, 139 Weston Oaks Court, Cary, North Carolina**, requesting that Accreditation Commission for Health Care (ACHC) be added as another accreditation option for sleep centers and laboratories.

She further states that this is in regard to **proposed rule sections N.J.S.A. 45:14G-3, N.J.A.C. 13:44L-1.2, 2.3, 5.2 and 5.3**, which refers to facilities that are "State-licensed" or are "provisionally accredited or fully accredited by the (American Academy of Sleep Medicine) AASM."

Chair, Gallagher will review the Standards submitted by the Accreditation Commission for Health Care (ACHC). REAGENDIZED

b. PROPOSED MEETING DATES FOR 2016

January 12, 2016	(HUDSON)	July 12, 2016	(HUDSON)
February 9, 2016	(HUDSON)	August 9, 2016	(HUDSON)
March 8, 2016	(HUDSON)	September 13, 2016	(HUDSON)
April 12, 2016	(HUDSON)	October 18, 2016	(ESSEX)
May 10, 2016	(HUDSON)	November 15, 2016	(HUDSON)
June 14, 2016	(HUDSON)	December 13, 2016	(HUDSON)

The Board reviewed the proposed meeting dates for 2016. **The Board unanimously agreed to change the October 11, 2016 meeting date to October 18, 2016.**

III. NEW BUSINESS

a. Comment from Lori-Ann Ligon, President, New Jersey Society for Respiratory Care regarding accreditation of the Certified Polysomnographic Technician (CPGST). **REAGENDIZED**

IV. LEGISLATION/REGULATIONS

a. DISCUSSION OF EMPLOYMENT VERIFICATION AND EMPLOYMENT HISTORY - Regulatory Analyst, Greenblatt indicated that there is no statutory or regulatory authority for requesting Verification of Non-Medical Employment.

1. AFFIDAVIT

On the Affidavit Page for Polysomnography Trainee-Provisional License Application, Polysomnography Technician -Temporary License Application and the Polysomnography Technologist Application the last page states:

... “I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for licensure or certification. I further authorize all institutions, employers, agencies and all government agencies and instrumentalities (local, state, federal or foreign) to release any information, files or records requested by the Board”.

2. **APPLICATION**

On the application for **Trainee, Technician and Technologist** no Employment History is required and there is no page for the applicant to record the employment history.

3. **REGULATIONS**

The regulations are silent on employment history under licensure requirements for **Trainee, Technician and Technologist**.

4. In the regulations for reinstatement/reactivation *at N.J.A.C. 13:44L-3.2(e) 6 (Reinstatement) and (I) 3 (Reactivation, an affidavit listing of employment is required.*

5. **APPLICATION FOR REINSTATEMENT\ REACTIVATION** In the regulations and on the application, *reference to employment is indicated and consent by applicant is given for an investigation of past and present employment.*

On the **application for Reinstatement/Reactivation** there is an employment page and an affidavit requesting a listing of employment.

After much discussion by the Board, Regulatory Analyst Elizabeth Greenblatt and Maryann Sheehan regarding the verification of non-medical employment form as part of the application, Maryann Sheehan advised the Board that when there is an OPRA request the verification of employment form **may** be part of the request. She further advised the Board that in July or August of 2015, the Division of Consumer Affairs, lost a case involving certain documents in the OPRA request.

DAG Matthews requested a copy of the case from Maryann Sheehan, so that she may review the case. REAGENDIZED

b. **The Board reviewed SENATE BILL NO: 3220** which establishes Statewide health data system. **Comment requested by November 12, 2015.** The bill was sent to Sara Gallagher, Chair for comment. The Board unanimously took no position on this Bill, the Board believes that this bill is complicated.

c. The Board reviewed the bills signed into law by the Governor, **as informational.**

d. The Board reviewed the Travel Submission Requests, **as informational.**

e. **Assembly Bill No: 4702** provides that if a minor appears to have been sexually assaulted, healthcare professionals in addition to physicians may authorize forensic sexual assault examination and urgent medical care without parental consent. **The Board reviewed the Bill and unanimously supports the bill.**

f. Comment from Laura Linley, RST,, RPSGT, CRTT, President, American Association of Sleep Technologists (AAST) regarding the proposed amendments to N.J.A.C. 13:44L-1.2, 2.2, 2.3, 2.4, 3.3, 5.1, 5.2 and 5.3 and the Proposed Repeal: N.J.A.C. 13:44L-5.10 **REAGENDIZED**

g. **Notice of Adoption Amendments: N.J. A.C. 13:44L-1.2; 13:44L-2.2; 13:44L-2.3; 13:44L-2.4; 13:44L-3.3; 13: 44L-5.1, 13:44L-5.2; 13:44L-5.3. Chair Gallagher did not sign the proposed adoption pending review of (CPSGT) Certified Polysomnographic Technician requirements online by the Board. REAGENDIZED**

There being no other business to come before the Board in Public Session, on a motion by Dr. Gerald Ferencz, seconded by Mitchell Rubinstein the Public Session was adjourned at 11:40 a.m., and the Board convened in Executive Session for the purpose of receiving counsel, to conduct one (1) investigative inquiry, to review three (3) items of old business, six (6) items of new business and three (3) applications.

The Board reconvened in Public Session. The next scheduled meeting is January 12, 2016. There being no other business to come before the Board, on a motion by Kathleen Feeney, seconded by Mitchell Rubinstein, the meeting was adjourned at 1:00. P.M.

Respectfully submitted
State Board of Polysomnography

Dorcas K.O'Neal
Executive Director

